

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JASON THIBODAUX,

Plaintiff,

vs.

KOSMOS ENERGY, LLC, NOBLE
SERVICES COMPANY, LLC, NOBLE
DRILLING (U.S.) LLC, and PRIME
OCEAN, PBC,

Defendants.

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Civil Action No. 4:24-cv-00600

PLAINTIFF’S MOTION FOR LEAVE TO DISMISS WITHOUT PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiff, Jason Thibodaux, by and through the undersigned counsel, files his Motion to Dismiss Without Prejudice pursuant to Fed. R. Civ. P. 41(a)(2), stating as follows:

This case originated in the County Court of Dallas County on November 16, 2023, when Plaintiff filed his Original Petition. On December 29, 2023, Defendants Noble Drilling (U.S.), LLC and Noble Service Company, LLC (“the Noble Defendants”) filed their Notice of Removal, removing the case to the United States District Court for the Northern District of Texas, Dallas Division, with Civil Action No. 3:23-cv-02877.

On January 23, 2024, United States District Judge Ed Kinkeade filed an Order indicating that it would evaluate *sua sponte* whether a transfer to the Southern District of Texas, Houston Division was appropriate under 28 U.S.C. § 1404(a). On January 29, 2024,

Plaintiff filed a Motion to Remand the case from the United States District Court back to the County Court of Dallas County, Texas. On February 20, 2024, Judge Kinkeade entered an Order transferring the case to the Southern District of Texas, Houston Division.

Defendant PBC Prime Ocean has notified Plaintiff's counsel that it is not the proper defendant, as it has no connection to the correct defendant, Prime Ocean Personnel Services. By the time of that notification, however, the Noble Defendants had already removed the matter. Plaintiff's counsel has also learned that Kosmos Energy, LLC, the parent operator involved in the incident, has been incorrectly named as a defendant.

Because of the incorrectly named defendants, Plaintiff requests the Court permit him to dismiss this case without prejudice in order to name the parties properly. The parties have conferred on this matter, and Plaintiff now seeks leave to dismiss without prejudice.

"[A]s a general rule, motions for voluntary dismissal should be freely granted unless the non-moving party will suffer some plain legal prejudice other than the mere prospect of a second lawsuit." *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002). Several of the defendants have been improperly named. None of the Defendants have filed counterclaims or motions for summary judgment. The case is in its infancy and the Defendants will not suffer legal prejudice with the dismissal without prejudice. Thus, it is in the best interests of the parties that the Court grant Plaintiff's request for voluntary dismissal *without prejudice* so he can properly identify the parties.

WHEREFORE, Plaintiff seeks leave to dismiss this matter without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Date: April 23, 2024

Respectfully Submitted,

ARNOLD & ITKIN LLP

/s/ Kurt Arnold

Kurt Arnold

SBN: 24036150

karnold@arnolditkin.com

Roland Christensen

SBN: 24101222

rchristensen@arnolditkin.com

Samuel Q. Long

SBN: 24123912

slong@arnolditkin.com

Alec Paradowski

SBN: 24124773

aparadowski@arnolditkin.com

6009 Memorial Drive

Houston, Texas 77007

Tel: 713.222.3800

Fax: 713.222.3850

e-service@arnolditkin.com

samteam@arnolditkin.com

rolandteam@arnolditkin.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure on this Tuesday, April 23, 2024.

Samuel Q. Long

Samuel Q. Long

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendants conferred on this motion by email on Friday, April 19, 2024. Counsel for Noble Defendants oppose this motion and counsel for Kosmos has not responded. All parties discussed this motion on Wednesday, April 17, 2024 after the hearing.

Samuel Q. Long

Samuel Q. Long